

---

---

**BZA-1831  
E&B PAVING, Inc.  
Special Exception**

**STAFF REPORT  
August 18, 2011**

---

---

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owners, is requesting a special exception to extend operation of a temporary concrete batch plant previously approved under BZA-1801 in July, 2010 (SIC 1611, Footnote 9). The plant will continue producing concrete for paving the Hoosier Heartland. The previous approval permitted operation from October 2010 until August 2011, Monday through Saturday 6:30 a.m. until 3:00 p.m., with a maximum number of production hours from 6:30 a.m. until 6:30 p.m.; this extension will permit operation until December 2011.

The A-zoned property is located north of CR 900 N and directly west of the Norfolk Southern Railroad in Washington 01 (SW) 24-3. (UZO 3-2, Footnote 9)

**AREA ZONING PATTERNS:**

The subject property is zoned A, Agricultural, as is all property surrounding. A temporary borrow pit, in which active mining was completed November 2009 is located just south of this site (BZA-1772).

**AREA LAND USE PATTERNS:**

A temporary batch plant and office is located on the triangular-shaped site which abuts the Hoosier Heartland bridge over the Norfolk Southern railroad tracks. Property surrounding the site is a mix of wooded and agricultural; a few large lot residences are located east on 900 N, becoming more prevalent closer to SR 25.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

In the previous approval, staff indicated concern regarding the amount of water needed for this use. Staff learned that it takes roughly 20 gallons of water to produce one cubic yard of concrete; at its busiest (2100 cubic yards of concrete) 42,000 gallons of water are needed for daily production. In response to staff's concern, petitioner ran tests on the well, monitored the water table and recorded a commitment—still in effect—that states:

*“Water usage at the plant site from our well will be monitored daily to ensure that negative impacts on the water table will be avoided. In the unlikely event that unforeseen problems do arise, then water withdrawals from the on-site well will cease and water will be provided from off-site sources and hauled to the batch plant water storage tanks.”*

**TRAFFIC AND TRANSPORTATION:**

County Road 900 N is still closed to through traffic just north of this site where the Heartland Corridor intersects. Loaded batch trucks leave the plant, enter onto CR 900 N and travel approximately 1/10 mile to the Hoosier Heartland right-of-way. Petitioner received a driveway permit for the life of the batch plant, fulfilling a condition of the previous approval. County Highway has also indicated that as part of the Hoosier Heartland completion and relinquishment agreement, CR 900 N will be rebuilt, so there is little concern about wear and tear on the existing road.

As was the case with the previous special exception approval and evidenced by a year of production, the amount of material made at the batch plant varies depending on how much road grade has been prepared and weather conditions. There are periods of time with little or no activity followed by periods of intense activity. Petitioner has again requested to allow up to 12 plant hours per day, with no night, Sunday or holiday hours. Most production days will continue to be less than 10 hours. On the busiest day, requiring 12 hours of production, petitioner estimates that 2100 cubic yards of material leave the batch plant; enough material to fill 210 trucks. During times when there is no active paving and loaded batch trucks are not leaving the plant, stockpiling of materials and maintenance will occur on site. There will be days that no loaded trucks leave the site at all—particularly in inclement weather. According to the petitioner, there are about 18-20 paving days left on this project.

In addition to loaded batch trucks, materials will be delivered to the site including sand, stone and cement. Four employees will continue parking on site at the office trailer.

**STAFF COMMENTS:**

Under the previous special exception approval, the batch plant was permitted to operate through August 2011. Because of the unusually wet spring, petitioner needs additional time to complete the paving project. This special exception request is simply an extension on the amount of time petitioner is permitted to operate the existing batch plant; no additional hours of operation, noise or lighting has been indicated and traffic generation will start to wind down at this site as work is completed. There are setback and bufferyard variances that were approved with the special exception (BZA-1800). Since variances run with the land, those are still in effect.

Petitioner's location adjacent to the Hoosier Heartland right-of-way has been ideal for the use. The amount of time spent on county roads (CR 900 N will be reconstructed) is minimized, lessening adverse affects on neighbors, decreasing project time and possibly reducing cost.

Petitioner has indicated that there are only 18-20 paving days left on the project. Hours of operation are generally 6:30 a.m. until 3:00 p.m., Monday through Saturday, with the anomalous twelve hour plant workday during occasional busy times. No outdoor lighting is shown, so no work will begin before sunrise and all work will end before dusk. Noise produced from a temporary batch plant will be no more intrusive than the continued

construction noise from the Hoosier Heartland.

At its meeting on August 3, 2011 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1, Footnote 9 to the Primary Use Table of the Unified Zoning Ordinance **DOES** authorize the special exception for a temporary batch plant (SIC 1611) in the A zoning district.

And it is staff's opinion that, with regard to extending the previously-approved special exception:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met because the variances regarding setbacks and bufferyards were approved (BZA-1800). All other development standards are met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. In fact, one of the goals of the Unified Zoning Ordinance includes "to facilitate the adequate provision of transportation." Granting this special exception will promote that goal.
4. Granting the extension of the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity. No additional impact will be created because of:
  - a. Traffic generation: At times, petitioner's use may generate 210 trucks per day, though petitioner indicated that is unlikely with the small amount of work left to do. In addition to other construction traffic, the average amount of traffic created by this use will have no negative effects on neighboring uses.
  - b. Placement of outdoor lighting: The only existing outdoor lighting is over the control house door; there will be no overhead parking lot lights. The amount of lighting shown is typical of a rural area.
  - c. Noise production: The sources of noise are typical truck noise and a "drum mixer producing ready-mix concrete" for construction which are no more intense than noises associated with the nearby construction of the Hoosier Heartland.
  - d. Hours of operation: 6:30 a.m. until 3:00 p.m. Monday through Saturday are reasonable operating hours. Petitioner indicated that there may be atypical days when the crew works 10-12 hour days, lasting until 6:30 p.m.; even those hours are in line with typical construction work. Staff can find no incompatibility with the hours.

#### **STAFF RECOMMENDATION:**

Approval